

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MYRON W. WENTZ,

Plaintiff,

v.

ARGYLL BIOTECHNOLOGIES;  
IMMUNOSYN CORPORATION; DOES 1-10,

Defendants.

Civil No. 09cv1841-H (BGS)

**ORDER FOLLOWING EARLY  
NEUTRAL EVALUATION  
CONFERENCE, SETTING RULE 26  
COMPLIANCE AND NOTICE OF  
CASE MANAGEMENT  
CONFERENCE**

On September 2, 2010, the Court held an Early Neutral Evaluation Conference. The case did not settle. Therefore, the Court discussed compliance with Federal Rules of Civil Procedure, Rule 26 immediately thereafter. Based thereon, IT IS HEREBY ORDERED:

1. Any objections made to initial disclosure pursuant to Federal Rule of Civil Procedure, Rule 26(a)(1)(A)-(D) are overruled, and the parties are ordered to proceed with the initial disclosure process. Any further objections to initial disclosure will be resolved as required by Rule 26.

2. The Rule 26(f) conference shall be completed on or before **September 27, 2010**;

3. The date of initial disclosure pursuant to Rule 26(a)(1)(A-D) shall occur before **October 12, 2010**;

4. A **Joint Discovery Plan** shall be lodged with Magistrate Judge Skomal by delivering the plan directly to chambers or by emailing it to efile\_skomal@casd.uscourts.gov, on or before **October 19, 2010**. The plan must be one document and must explicitly cover the parties views

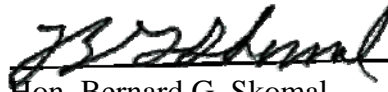
1 and proposals for each item identified in Fed.R.Civ.P. 26(f)(3). In addition, Judge Skomal requires  
2 the discovery plan to identify:

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- 4 i Specific documents or categories of documents that counsel wants produced  
5 during discovery. If counsel disagree about the production of documents  
6 or categories of documents, all parties must fully explain the specific and  
7 valid legal basis for their respective position. Follow the format for  
8 discovery disputes as outlined in the Chambers' Rules;
- 9 ii What limited discovery may enable them to make a reasonable settlement  
10 evaluation. E.g. deposition of plaintiff, defendant, or key witness, and  
11 exchange of a few pertinent documents;
- 12 iii Threshold legal issues that may be resolved by summary judgment or  
13 partial summary judgment.
- 14 iv The procedure the parties plan to use regarding claims of privilege;
- 15 v Whether a protective order will be needed in the case; and
- 16 vi Whether the parties will consent to the jurisdiction of the Magistrate Judge  
17 for all purposes.

18 5. A Case Management Conference and further Settlement Conference, pursuant to  
19 Federal Rule of Civil Procedure 16(b) shall be held on **November 1, 2010**, at **9:00 a.m.** The  
20 conference will be in person. Mr. Ferrone, Defendant Immunosyn Corp.'s representative may appear  
21 by telephone.

22 Failure of any counsel or party to comply with this Order may result in the imposition of  
23 sanctions.

24 DATED: September 3, 2010

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Hon. Bernard G. Skomal  
U.S. Magistrate Judge  
United States District Court